is not defeated by the fact that they were made voluntarily, for the reason that they had been made under a mistake of a material fact.

Commitment of Drunkards to Hospital.—Nebraska laws providing for the commitment to the hospital for the insane of drunkards and persons addicted to the excessive use of narcotics and other drugs is upheld in Ex parte Schwarting, 108 Northwestern Reporter, 125, on the broad principle that, as jurisdiction is assumed to take care of the property of a person who has become incompetent, jurisdiction may likewise be assumed of the person of such inebriate. A further provision of the law, however, providing that when the inmate was discharged as cured he should be discharged only on parol, is held unconstitutional, as a violation of the right to personal liberty.

Repossession of Rented Piano.—Berry *v.* Freedman, 78 Northeastern Reporter, 305, was a case involving a comparatively small matter, but which brought out a number of legal points. A piano rented from the plaintiff was, because of its size, moved into a building by a tenant through a window which had been enlarged for the purpose, with the permission of the landlord, the understanding being that permission to remove it in the same way would be given when desired. Upon the expiration of the lease the landlord refused to permit the plaintiff to enlarge the window, but insisted that he remove the piano. Upon the seeking of the aid of a court of equity to compel the landlord to permit the removal of the piano, it was contended that plaintiff had an adequate remedy at law, but the court points out that relief by replevin would be impossible, as the officer would have no power which the plaintiff did not have to secure the piano's removal; further, that the plaintiff could not maintain conversion, since the landlord did not set up any adverse title, but admitted plaintiff's ownership. Though the landlord had made no promise to the plaintiff that the piano might be removed as it had been brought in, the court decides that the promise made to the tenant entitled the plaintiff to a decree allowing him to remove the piano upon giving sufficient security.

Parol Chattel Mortgage.—The doctrine that one who has loaned money to another with which to go into business, and who has taken an oral chattel mortgage on the stock to secure the loan, may, as against the debtor's creditor, take possession of the goods, is reiterated in Mower *v.* McCarthy, 64 Atlantic Reporter, 578. This the court says has been its holding in former cases, and it finds no occasion to depart from it, though the court in many of the states maintain a different doctrine.

Separate Schools for Whites and Blacks.—The Kentucky Court of Appeals passes upon the law prohibiting the maintenance of schools where both races are received in the case of Berea College *v.* Com-

monwealth, 94 Southwestern Reporter, 623. The college attempted to distinguish the case at bar from cases upholding the separation of the races as applied to public schools, common carriers, etc., on the ground that the association in the present case was voluntary; but the court rejects this, with the argument that the aim of this legislation is something more important than the matter of choice, and sets out at length the general purposes of this exercise of the police power of the state. The court rejects the contention that the law violates the fourteenth amendment to the federal constitution by pointing out that there is no discrimination against either race, but the court does hold unconstitutional that proviso which prohibits an institution of learning from maintaining separate and distinct schools for white and colored persons less than twenty-five miles apart.

Exemptions—Partner Had Retired from Firm.—Where a partner retires from the firm and continues with it as a clerk, and frequently declares in conversation that he is no longer one of its members, it is held, In re Fowler & Co., 16 Am. B. R. 580, that his petition for exemptions out of the assets of the firm in bankruptcy will be dismissed, as to allow such claim would be to perpetrate a fraud upon the creditors of the firm.

Bankruptcy Debts—Action by Trustee to Recover—Defendant May Plead Claim though Not Proved in Bankruptcy.—In Norfolk & W. R. Co. *v.* Graham, 16 Am. B. R. 610, it has been held that where the claim of a creditor exceeds his debt to the bankrupt, he must prove his claim within the time limit fixed by section 57n, in order to share in the distribution of the estate, but his failure to make such proof does not preclude him from pleading his claim in diminution of, or to defeat the claim of the trustee, upon the debt due the bankrupt estate, when asserted in an independent action.

Separation of White and Colored Passengers.—Considerable light is thrown upon the constitutional requirement as to legislation relative to the separation of the races in public conveyances by three cases recently decided in Florida. In the first case (State *v.* Patterson, 39 Southern Reporter, 398) the court holds that a statute requiring street car companies to provide separate compartments for the races, and prohibiting persons of either race from occupying the compartment set apart for the other race, but providing that the act shall not apply to colored nurses having the care of white children or sick white persons, is void for discrimination. In the subsequent cases of Crooms *v.* Schad, 40 Southern Reporter, 497, and Patterson *v.* Taylor, 40 Southern Reporter, 493, two city ordinances containing much the same provisions, one of which, however, excepted all nurses from its provisions while the other contained no exception whatever, were upheld.